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EXAMINER	
MURRAY, DANIEL C	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/647,638	RAZZA ET AL.	
	Examiner	Art Unit	
	DANIEL C. MURRAY	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 MAR 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on 24MAR2009. **Claims 1-33** are now pending in the present application. **This Action is made FINAL.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made

in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Billington et al. (US Patent # US 7,103,760 B1)** in view of **Konetski et al (US Patent Publication # US 2002/0103880 A1)** in further view of **Clough et al. (US Patent # US 6,670,982 B2).**

a) Consider **claim 1,** Billington et al. clearly show and disclose, a thin client device integrated with a consumer electronic device for use in a network comprising: a signal processor configured to process media content for playback by the consumer electronic device (inherently taught by Billington et al. since Billington et al. clearly disclose devices (e.g. DVD players, MP3 players, CD players, etc.) for processing data comprising visual and auditory information (i.e. playback, transfer, etc.) and would require the use of a signal processor to perform such functions)(column 2 lines 39-60); a network port configured to connect the thin client device to a server on the home network, the server including a hard disk drive (figure 1, column 1 lines 7-17 lines 39-58, column 3 lines 10-17, column 6 lines 43-62, column 7 lines 1-4 lines 66-67, column 8 lines 1-3); and a data/memory port configured to selectively interface with a memory device holding data comprising media content (inherently taught by Billington et al. the device and storage media discloses would obviously contain media content (e.g. a DVD would most likely contain media content in the form of a movie))(figure 1, column 2 lines 64-67, column 3 lines 1-3, column 5 lines 15-32, column 6 lines 43-62, column 7 lines 1-4 lines 66-67, column 8 lines 1-3 lines 43-63, column 9 lines 21-40, column 14 lines 9-62); a reader configured to read the data to enable the media content to e sent to the signal processor for playback (figure 1, column 2 lines 64-67, column3 lines 1-3, column 5 lines 21-32); and a controller providing control of data transfer between the network port and the data/memory

port, including, in one mode, full automatically control enabling transferring substantially unidirectionally data stored at the memory device through the data/memory port to the server via the network port and archiving the data in a hard disk drive of the server responsive to automatically detecting the memory device through the data/memory port (abstract, column 1 lines 7-17 lines 39-58, column 2 lines 64-67 column 3 lines 1-3 lines 10-17 lines 18-23, column 6 lines 53-62, column 7 lines 1-4 lines 66-67, column 8 lines 1-3 lines 64-67, column 9 lines 1-20, column 13 lines 25-29). However, Billington et al. does not specifically disclose selectively interfacing with a memory device, transferring substantially unidirectionally data stored at the memory device through the data/memory port to the server via the network port, and archiving the data in a hard disk drive of the server responsive to automatically detecting the memory device through the data/memory port substantially simultaneously with selective interfacing of the memory device with the data/memory port.

Konetski et al. show and disclose a system for using resources of a computer system in conjunction with a thin media client wherein the computer system may retrieve content based on a signal generated by software either at the thin media client or the computer system (figure 1, paragraph [0001], paragraph [0014]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Konetski et al. into the system of Billington et al. for the purpose of having the computer retrieve the content (paragraph [0014] lines 15-19) when a memory device is detected (column 2 lines 64-67, column 3 lines 1-3, column 8 lines 64-67, column 9 lines 1-4). However, Billington et al. as modified by Konetski et al. does not specifically disclose selectively interfacing with a memory device, transferring substantially unidirectionally data stored at the memory device through the data/memory port to the server via the network port

substantially simultaneously with selective interfacing of the memory device with the data/memory port.

Clough et al. show and disclose downloading image data files from a digital camera to one or more other devices using a wireless digital camera media, wherein Clough et al. discloses selectively interfacing with a memory device (column 4 lines 16-32 lines 65-67, column 5 lines 1-9), transferring substantially unidirectionally data stored at the memory device through the data/memory port to the server via the network port (abstract, column 4 lines 16-32 lines 65-67, column 5 lines 1-9, column 8 lines 21-34) and substantially simultaneously with selective interfacing of the memory device with the data/memory port (column 4 lines 65-67, column 5 lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate automatically/selectively transferring substantially unidirectionally data stored on a device to external storage, as taught by, Clough et al. into the system of Billington et al. as modified by Konetski et al. for the purpose of transferring data from a device to be stored externally (Clough; abstract).

b) Consider **claim 2,** and **as applied to claim 1 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client device according to claim 1, wherein the thin client device is configured to transfer data from the memory device through the data/memory port the server through a global information network using the network port responsive to automatically detecting the memory device through the data/memory port (figure 1, abstract, column 1 lines 1-17 lines 39-58, column 2 lines 7-12, column 3 lines 10-23, column 6 lines 53-62, column 7 lines 66-67 column 8 lines 1-3 lines 64-67, column 9 lines 1-20, column 13 lines 25-29 lines 31-34).

e) Consider **claim 3,** and **as applied to claim 1 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client device according to claim 1, wherein the reader is configured to display a menu representing predetermined portions of the media content individually extractable from the data for consumer playback (Konetski; paragraph [0022], [0024], [0025], [0026]); wherein the controller is configured to control, in an alternative mode, transferring substantially unidirectionally, based on user input using the menu selected ones of the predetermined portions of the media content to the server via the network port (Konetski; paragraph [0022], [0024], [0025], [0026], [0028] and Clough; abstract, column 4 lined 16-32 lines 65-67, column 5 lines 1-9).

d) Consider **claim 4,** and **as applied to claim 1 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client device according to claim 1, wherein the reader is a card reader (Billington; figure 1, column 2 lines 64-67, column 3 lines 1-3, column 5 lines 21-32).

e) Consider **claim 5,** and **as applied to claim 1 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client device according to claim 1 wherein, the data/memory port is a memory card interface (figure 1, column 2 lines 64-67, column 3 lines 1-3, column 5 lines 21-32).

f) Consider **claim 6,** and **as applied to claim 1 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client device according to claim 1 wherein, the data/memory port is a data communications port (figure 1, column 7 lines 66-67 column 8 lines 1-3, column 13 lines 25-29).

g) Consider **claim 7,** and **as applied to claim 1 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client

device according to claim 1 wherein, the thin client device is integrated with a digital versatile disc (DVD) player (column 2 lines 64-67, column3 lines 1-3, column 5 lines 21-32, column 7 lines 36-43, column 14 lines 28-33).

h) Consider **claim 8,** and **as applied to claim 1 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client device according to claim 1 wherein, the thin client device is integrated with a television set-top box (inherently taught by Billington et al. in a home environment with an entertainment center including a television could obviously include a set-top box)(column 14 lines 8-12, lines 28-33).

i) Consider **claim 9,** and **as applied to claim 1 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client device according to claim 1 wherein, the thin client device is integrated with a television receiver (column 14 lines 8-12, lines 28-33).

j) Consider **claim 10,** and **as applied to claim 1 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client device according to claim 1 wherein, the thin client device is integrated with a compact disc (CD) player (column 2 lines 64-67, column3 lines 1-3, column 5 lines 21-32, column 7 lines 36-43, column 14 lines 28-33).

k) Consider **claims 11 and 19,** Billington et al. clearly show and disclose, a method comprising: automatically detecting a memory device selectively coupled to a data port of a thin client on a network (figure 1, column 2 lines 64-67, column 3 lines 1-3 column 8 lines 64-67, column 9 lines 1-20); automatically reading data stored on the memory device (figure 1, abstract, column 2 lines 64-67, column 3 lines 1-3 lines 18-23, column 5 lines 21-32, column 7 lines 66-67, column 8 lines 1-3, column 13 lines 25-29); and transferring substantially unidirectionally the data read from

the memory device to a server on the network through the data port and a network port coupled to the server and archiving the data in a hard disk drive of the server responsive to the automatically detecting the memory device through the data port (figure 1, abstract, column 1 lines 7-17 lines 39-58, column 2 lines 7-12, column 3 lines 10-23, column 6 lines 53-62, column 7 lines 66-67 column 8 lines 1-3 lines 64-67, column 9 lines 1-20, column 13 lines 25-29). However, Billington et al. does not specifically disclose a memory device selectively coupled to a data port, substantially unidirectionally transferring the data read from the memory device to a server on the network through the data port and a network port coupled to the server and the thin client device is configured to archive the data in a hard disk drive of the server responsive to the automatically detecting the memory device through the data port substantially simultaneously with selective coupling of the memory device with the data port.

Konetski et al. show and disclose a system for using resources of a computer system in conjunction with a thin media client wherein the computer system may retrieve content based on a signal generated by software either at the thin media client or the computer system (figure 1, paragraph [0001], paragraph [0014]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Konetski et al. into the system of Billington et al. for the purpose of having the computer retrieve the content (paragraph [0014] lines 15-19) when a memory device is detected (column 2 lines 64-67, column 3 lines 1-3, column 8 lines 64-67, column 9 lines 1-4). However, Billington et al. as modified by Konetski et al. does not specifically disclose selectively coupling with a memory device, transferring substantially unidirectionally data stored at the memory device through the data/memory port to the server via the network port substantially simultaneously with selective coupling of the memory device with the data port.

Clough et al. show and disclose downloading image data files from a digital camera to one or more other devices using a wireless digital camera media, wherein Clough et al. disclose selectively interfacing with a memory device (column 4 lines 16-32 lines 65-67, column 5 lines 1-9), transferring substantially unidirectionally data stored at the memory device through the data/memory port to the server via the network port (abstract, column 4 lines 16-32 lines 65-67, column 5 lines 1-9, column 8 lines 21-34) and substantially simultaneously with selective interfacing of the memory device with the data/memory port (column 4 lines 65-67, column 5 lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate automatically/selectively transferring substantially unidirectionally data stored on a device to external storage, as taught by, Clough et al. into the system of Billington et al. as modified by Konetski et al. for the purpose of transferring data from a device to be stored externally (Clough; abstract).

l) Consider **claims 12 and 20,** and as applied to **claims 11 and 19 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the method of claims 11 and 19, further comprising: automatically transferring the data read from the memory device to the server through a
global information network using the network port responsive to automatically detecting the memory device coupled to the data port (figure 1, abstract, column 1 lines 1-17 lines 39-58, column 2 lines 7-12 lines 64-67, column 3 lines 1-3, lines 10-23, column 6 lines 53-62, column 7 lines 66-67 column 8 lines 1-3 lines 64-67, column 9 lines 1-20, column 13 lines 25-29 lines 31-34).

m) Consider **claim 13 and 21,** and **as applied to claim 12 and 20 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the method of claims 12 and 20 further comprising automatically initiating the transferring the data read

from the memory device (Konetski et al.; paragraph [0001], [0014]) responsive to automatically detecting that the memory device (column 2 lines 64-67, column 3 lines 1-3, column 8 lines 64-67, column 9 lines 1-4) is coupled to the data port.

n) Consider **claim 14,** and **as applied to claim 11 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the method of claim 11 further comprising: displaying a menu representing predetermined portion of media content individually extractable from the data for consumer playback (Konetski; paragraph [0022], [0024], [0025], [0026]) and providing selective control of the data transfer enabling, in an alternative mode, transferring substantially unidirectionally, based on user input using the menu, selected ones of the predetermined portions of the media content through the network port to the server (Konetski; paragraph [0022], [0024], [0025], [0026], [0028])(Clough; abstract, column 4 lined 16-32 lines 65-67, column 5 lines 1-9).

o)Consider **claim 15,** and **as applied to claim 14 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the method of claim 14 further comprising displaying the menu with predetermined portions represented by titles based on the data stored on the memory device and based on the titles displayed, issuing commands to the thin client based on remote user input using the menu to select selected ones of the predetermined portions of the data for transferring substantially unidirectionally (inherently taught by Clough et al. wherein a display displaying titles (e.g. file names, thumbnails, etc.) would be required in order to allow the user to select a portion of files contained on the device for transfer)(Clough; abstract, column 4 lines 16-32 lines 65-67, column 5 lines 1-9) and (Konetski; paragraph [0022], [0024], [0025], [0026], [0028]).

p) Consider **claims 16 and 24,** and **as applied to claims 11 and 19 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the method of claims 11 and 19 where transferring the data read from the memory device includes wireless transfer of the data read from the memory device to the server on the network (figure 1, column2 lines 64-67, column 3 lines 1-3 lines 10-23, column 5 lines 51-67, column 6 lines 43-62, column 7 lines 59-65).

q) Consider **claim 17,** and **as applied to claim 11 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the method of claim 11 further comprising: displaying the data read from the memory device as images on a display (inherently taught by Billington et al. wherein data can be transferred between at least two devices a user interface (a monitor) and a memory device)(figure 11, abstract, column 2 lines 49-56 lines 64-67, column 3 lines 1-3, column 13 lines 19-29 lines 43-51); transferring substantially unidirectionally (Clough; abstract, column 4 lines 16-32 lines 65-67 column 5 lines 1-9) at least one image to the server responsive to the at least one displayed image being selected from the images displayed (inherently taught by Billington et al. where data comprised of visual information can be transferred to and from storage, i.e. between a memory device and server by using a keyboard or mouse)(figure 11, column 2 lines 49-56 lines 64-67 and column3 lines 1-3, column 13 lines 19-29 lines 43-51); and requesting the storing of the at least one displayed image on the server after transferring (figure 1, column 1 lines 28-29, column 2 lines 7-12 lines 49-56 lines 64-66, column 3 lines 18-23).

r) Consider **claims 18 and 26,** and **as applied to claims 17 and 25 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the method of claims 17 and 25 further comprising: requesting the transfer of the at least one image from the server to the thin client after storing the at least one image on the server (Billington et al.

teaches data comprising visual information, i.e. images, serves connected to thin clients via a network, and data transfers from storage)(figure 1, column 1 lines 28-29, column 2 lines 7-12 lines 49-56 lines 64-66, column 3 lines 18-23).

s) Consider **claim 22,** and **as applied to claim 19 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the machine-readable medium of claim 19 further comprising: requesting the processing of the data at the server (column 5 lines 51-67, column 6 lines 1-2, column 13 lines 19-29 lines 57-60).

t) Consider **claim 23,** and **as applied to claim 19 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the machine-readable medium of claim 19. However, Billington et al does not specifically disclose requesting the archiving of the data read from the memory device at a hard disk drive located in the server after transferring (column 2 lines 64-67 column 3 lines 1-3 lines 10-23).

u) Consider **claim 25,** and **as applied to claim 19 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the machine-readable medium of claim 19 further comprising: displaying the data read from the memory device as images on a display (inherently taught by Billington et al. wherein data can be transferred between at least two devices a user interface (a monitor) and a memory device)(figure 11, abstract, column 2 lines 49-56 lines 64-67, column 3 lines 1-3, column 13 lines 19-29 lines 43-51); transferring the at least one image selected to the server responsive to at least one displayed image being selected (inherently taught by Billington et al. where data comprised of visual information can be transferred to and from storage, i.e. between a memory device and server by using a keyboard or mouse)(figure 11, column 2 lines 49-56 lines 64-67 and column3 lines 1-3, column 13 lines 19-29 lines 43-51); and

requesting the storing of the at least one displayed image on the server after transferring (figure 1, column 1 lines 28-29, column 2 lines 7-12 lines 49-56 lines 64-66, column 3 lines 18-23).

v) Consider **claim 27,** Billington et al. clearly show and disclose, a thin client integrated with a consumer electronic device comprising: means for configuring a signal processor to process media content for playback by the consumer electronic device (inherently taught by Billington et al. since Billington et al. clearly disclose devices (e.g. DVD players, MP3 players, CD players, etc.) for processing data comprising visual and auditory information (i.e. playback, transfer, etc.) and would require the use of a signal processor to perform such functions)(column 2 lines 39-60); means for configuring a network port to connect the thin client to a home network (figure 1, figure 11, column 3 lines 54-63, column 6 lines 43-62, column 7 lines 66-67, column 8 lines 1-3, column 13 lines 19-25 lines 43-51); means for detecting a memory device holding data comprising media content and selectively coupled to the thin client detecting a memory device couples to the thin client by a data port (inherently taught by Billington et al. the device and storage media discloses would obviously contain media content (e.g. a DVD would most likely contain media content in the form of a movie))(figure 1, column 2 lines 64-67, column 3 lines 1-3, column 5 lines 15-32, column 6 lines 43-62, column 7 lines 1-4 lines 66-67, column 8 lines 1-3 lines 43-63, column 9 lines 21-40, column 14 lines 9-62); means for reading the data to enable the media content to be sent to the signal processor for playback (figure 1, column 2 lines 64-67, column3 lines 1-3, column 5 lines 21-32); means for enabling data transfer between the data port and the network port and means for providing control of the data transfer including, in one mode, fully automatic control enabling transferring substantially unidirectionally data stored in the memory device coupled to the data port and archiving the data in a hard disk drive of a server connected to the network responsive to automatically detecting the memory device selectively coupled to the thin client (abstract, column 1

lines 1-17 lines 39-58, column 2 lines 64-67 column 3 lines 1-3 lines 10-23, column 6 lines 53-62, column 7 lines 1-4 lines 66-67, column 8 lines 1-3, column 13 lines 25-29). However, Billington et al. does not specifically disclose selectively coupling with a memory device, transferring substantially unidirectionally data stored at the memory device coupled to the data port, transferring data stored in the memory device coupled to the data port and archiving the data in a hard disk drive of a server connected to the network responsive to automatically detecting the memory device selectively coupled to the thin client substantially simultaneously with selective coupling of the memory device with the data port.

Konetski et al. show and disclose a system for using resources of a computer system in conjunction with a thin media client wherein the computer system may retrieve content based on a signal generated by software either at the thin media client or the computer system (figure 1, paragraph [0001], paragraph [0014]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Konetski et al. into the system of Billington et al. for the purpose of having the computer retrieve the content (paragraph [0014] lines 15-19) when a memory device is detected (column 2 lines 64-67, column 3 lines 1-3, column 8 lines 64-67, column 9 lines 1-4). However, Billington et al. as modified by Konetski et al. does not specifically disclose selectively coupling with a memory device, transferring substantially unidirectionally data stored at the memory device through the data/memory port to the server via the network port substantially simultaneously with selective coupling of the memory device with the data port.

Clough et al. show and disclose downloading image data files from a digital camera to one or more other devices using a wireless digital camera media, wherein Clough et al. disclose selectively coupling with a memory device (column 4 lines 16-32 lines 65-67, column 5 lines 1-9), transferring

substantially unidirectionally data stored at the memory device coupled to the data port, (abstract, column 4 lines 16-32 lines 65-67, column 5 lines 1-9, column 8 lines 21-34) and substantially simultaneously with selective interfacing of the memory device with the data/memory port (column 4 lines 65-67, column 5 lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate automatically/selectively transferring substantially unidirectionally data stored on a device to external storage, as taught by, Clough et al. into the system of Billington et al. as modified by Konetski et al. for the purpose of transferring data from a device to be stored externally (Clough; abstract).

w) Consider **claim 28,** and **as applied to claim 27 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client of claim 27 comprising means for automatically transferring data from the data port to the server through a global information network (figure 1, abstract, column 1 lines 1-17 lines 39-58, column 2 lines 7-12, column 3 lines 10-23, column 6 lines 53-62, column 7 lines 66-67 column 8 lines 1-3 lines 64-67, column 9 lines 1-20, column 13 lines 25-29 lines 31-34).

x) Consider **claim 29,** and **as applied to claim 27 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client of claim 27 comprising: means for displaying a menu representing predetermined portions of the media content individually extractable from the data for consumer playback (Konetski; paragraph [0022], [0024], [0025], [0026]); means for providing control enabling, in an alternative mode, transferring substantially unidirectionally, based on user input using the menu, selected ones of the predetermined portions of the media content in the memory device through the data port to the network vie the network port for archiving in the hard disk drive of the server connected to the

network (Clough; abstract, column 4 lined 16-32 lines 65-67, column 7 lines 1-9) and (Konetski; paragraph [0022], [0024], [0025], [0026], [0028]).

y) Consider **claim 30,** and **as applied to claim 27 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client of claim 27 comprising means for processing the data available at the data port (figure 1, column 3 lines 18-23, column 6 lines 43-49, column 13 lines 25-29).

z) Consider **claim 31,** and **as applied to claim 27 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client of claim 27 where the thin client is integrated with a digital versatile disc (DVD) player (column 2 lines 64-67, column3 lines 1-3, column 5 lines 21-32, column 7 lines 36-43, column 14 lines 28-33).

aa) Consider **claim 32,** and **as applied to claim 27 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client of claim 27 where the thin client is integrated with a television set-top box (inherently taught by Billington et al. in a home environment with an entertainment center including a television could obviously include a set-top box)(column 14 lines 8-12, lines 28-33).

bb) Consider **claim 33,** and **as applied to claim 27 above,** Billington et al. as modified by Konetski et al. and as further modified by Clough et al. clearly show and disclose, the thin client of claim 27 where the client is integrated with a television receiver (column 14 lines 8-12, lines 28-33).

Response to Arguments

6. Applicant's arguments filed 24MAY2009 have been fully considered but they are not persuasive.

Applicant argues that "Billington does not disclose the manner of and trigger for the data transfer. In particular, referring to independent claim 1, Billington fails to disclose "a controller

configured to control data transfer between the network port and the data/memory port including, in one mode, fully automatic control enabling transferring substantially unidirectionally data stored at the memory device through the data/memory port to the server via the network port:.." Nor does Billington show this transfer, as recited in claim 1, "responsive to" or conditioned on "automatically detecting the memory device through the data/memory port.""

In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Billington clearly discloses that a controller configured to control data transfer between the network port and the data/memory port including enabling transferring substantially unidirectionally data stored at the memory device through the data/memory port to the server via the network port (abstract, column 1 lines 7-17 lines 39-58, column 2 lines 39-67 column 3 lines 1-3 lines 10-17 lines 18-23, among others). Billington clearly discloses the control of data transfer from devices (thin clients)(e.g. PDAs, CD players, MP3 players, DVD players, etc.) to and from storage (e.g. PC, network server, laptop, etc.) for the purposes of archiving or transferring the data to and from storage (transferring "substantially unidirectionally" would be possible in either direction by the system disclosed by Billington for instance if the user were to archive data from a device to a server it would "substantially unidirectionally"). Furthermore the devices are capable of reading data through an external data port (e.g. CD, DVD, Flash storage, floppies, etc.) and transferring the data through a network port of the device for storage on a server. Billington is clearly directed towards connecting a plurality of devices for the purposes of transferring data between those devices (abstract).

Billington clearly discloses the transfer of data from the device to a storage device (i.e. server) as discussed above and detecting a device for the purpose of determining device compatibility (column 9 lines 1-20). Konetski clearly discloses retrieving content in response to a signal generated by software at the thin client and that the signal may be generated according to criterion specified by the user (paragraph [0014]). Clough clearly discloses this transfer responsive to or conditioned on automatically detecting the memory device through the data/memory port (column 4 lines 16-32 lines 65-67, column 5 lines 1-9). Clough clearly discloses the automatic and/or selective transfer of data from a memory device to another device (e.g. laptop, server, etc.) for storage.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Clough, Konetski, and Billington since they all concern the transfer of data between devices for the purposes of manipulation and storage and as such, all are with in the same environment.

Billington clearly teaches generating a signal based on the detection of a device, Konetski clearly teaches the generating a signal at the thin client based on user preference, and Clough clearly teaches automatic and/or selective transfer of data from a memory device to another device for storage based on logic configured to monitor the status of a link and transfer the data based on the status (i.e. transfer when a particular condition is met). Therefore, it would have been obvious that the combination of Billington, Konetski, and Clough, that a signal can be generated at the thin client device based on the detection of another device (e.g. a memory card) and that the transfer of data would occur automatically based on this signal.

Applicant argues that "In Konetski, therefore, the data flows from the communications network 150 to the computer 100 to the thin clients 110, 120, or 130. To the extent that Konetski

discloses transferring processed media to the thin client, Konetski teaches away from the recited "enabling transferring substantially unidirectionally data stored at the memory device through the data/memory port to the server via the network port.""

In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Billington clearly teaches the enabling transferring substantially unidirectionally data stored at the memory device through the data/memory port to the server via the network port (see argument above for further details) and while Konetski primarily discusses transferring processed media to the thin client Konetski one of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Konetski and Billington since both concern the transfer of data between devices for the purposes of manipulation and storage and as such, both are with in the same environment. The teachings of Konetski were incorporated into Billington and not vice versa. So, while it might not have been obvious to incorporate the teachings of Billington into Konetski for the purposes of transferring data from a thin client to storage because of the extent that Konetski discloses transferring processed media to the thin client. It would have been obvious that the teachings of Konetski could be incorporated into Billington without causing Billington to "break" since Billington clearly discloses data transfer in both directions. Thus features such as displaying a menu representing the media content retrievable from the server for playback by a thin client and based on user input using the menu, selecting media content for transfer could be incorporated into Billington by one of ordinary skill in the art without "breaking" Billington.

Applicant argues that "Apart from its special data transferring capabilities, Clough's wireless media card is only a memory device, not a "thin client device" as claimed. To clarify the difference between a memory device and a thin client device, amended claim 1 now recites a thin client device "integrated with a consumer electronic device" of a type including a "signal processor" configured "to process media content for playback by the consumer electronic device." Clough's wireless media card is clearly not a thin client device as claimed for it is not "integrated with a consumer electronic device" of a type including elements for processing media content for playback." and "…Clough's sentence about "automatically" transferring images is provided as an "example" of how "at least a portion of one or more image data files" may be transferred from the camera, thus implying an intervening image selection step. In contrast, in the claims, in one controller mode, data is transferred as soon as the memory device is automatically detected "through the data/memory port.""

The Examiner respectfully disagrees; the media card as disclosed by Clough is clearly not "only a memory card". Clough clearly discloses that the media card contains not only memory but also logic for monitoring the storage process, transfer of data (both to and from storage), and communication link status (column 4 lines 56-67, column 5 lines 1-9). Thus the media card as disclosed by Clough is in fact a thin client. Furthermore, while Clough the media card (thin client) as disclosed may not be a thin client as claimed by Applicant (a thin client with a signal processor configured to process media content for playback by the consumer electronic device) one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Konetski clearly shows a thin client device with signal processors with a signal processor configured to process media content for playback by

the consumer electronic device (paragraph [0022], [0024], [0025], [0026], [0028]). Billington also discloses devices configured for processing of media content for playback by a consumer device (column1 lines 39-58, column 4 lines 39-60). Furthermore, while Clough clearly discloses automatically transferring images is provided as an "example" of how at least a portion of one or more image data files may be transferred from the camera it is unclear where Clough implies an intervening image selection step in an automatic transfer. Clough discloses the automatic and/or selective transfer of image data. Thus, Clough discloses three types of transfer; automatic, selective, and automatic and selective. Automatic meaning that all data is transferred, selective meaning selected data is transferred (implying user selection before a manual transfer) and automatic and selective meaning that selected data is transferred automatically (implying that the selection occurs before the automatic transfer is initiated). Clough clearly discloses the automatic transfer of least a portion of one or more data files and that this automatic transfer occurs for example when each image data file once it is stored in memory or transfer all of part or one or more images based on the status of a communication link (column 4 lines 65-67, column 5 lines 1-9). Clough discloses no intervening selection step as Applicant alleges in the automatic transfer of image data. Clough clearly discloses automatically sending the image data upon the detection of a condition and if anything is implied it is that the selection of which image data files to transfer occurs before the automatic transfer is initiated and is thus not and an intervening step (i.e. the files to be transferred are selected and when the condition for automatic transfer occurs (e.g. the detection of a wireless communication link) all or some of the image data is transferred). If there was an intervening selection step as suggested by Applicant the automatic transfer of the image data would in fact not be automatic at all but selective.

Applicant argues "…Konetski describes a particular way to implement user selection of the data for transfer, which involves the computer first providing (transferring) to the thin client "a standard Internet browser or other user interface." Konetski fails to recognize that the selection interface may be provided by the thin client itself if the thin client is integrated with a consumer electronic device.

In response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the features upon which Applicant relies (i.e., the selection interface may be provided by the thin client itself) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore while Konetski may "fail" to recognize that the selection interface may be provided by the thin client itself if the thin client is integrated with a consumer electronic device it would have been obvious to one of ordinary skill in the art at the time the invention was made that a menu could be implemented on the thin client itself. Billington clearly discloses several devices (e.g. PDAs, CD players, MP3 players, DVD players, etc.) that are capable of, and more often than not do, provide a native interface from which the user is able to make selections from a menu (Billington; column 1 lines 39-58, column 2 lines 39-60).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- US 7,321,923 B1
- US 6,760,918 B2
- US 2007/0070404 A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL C. MURRAY whose telephone number is 571-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571)-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DCM/
Examiner, Art Unit 2443

/Tonia LM Dollinger/
Supervisory Patent Examiner, Art Unit 2443